

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 49-020.4

Specific Purpose:

This section is adopted to define the terms “entry date” or “entered the United States” for purposes of determining Cash Assistance Program for Immigrants (CAPI) eligibility as the effective date of the non-citizen’s current immigration status as determined by the Immigration and Naturalization Service, except for the situations described in Sections 49-020.41 and .42.

Factual Basis:

This section is needed to clarify existing regulations in Sections 49-020.2 and .3 and to comply with CDSS’ Director’s Designation of Decision as Precedential Decision dated September 5, 2002.

Sections 49-020.41 and .42

Specific Purpose:

These sections are adopted to specify exceptions to the general definition of the terms “entry date” or “entered the United States” for a non-citizen who meets one of the following criteria:

1. Is a current CAPI recipient whose immigration status was adjusted after he or she began receiving CAPI benefits. In this situation the entry date that was used to make the initial CAPI eligibility determination will continue to be used in future redeterminations.
2. Had an immigration status as of August 21, 1996 that met the definition of Qualified Alien and has maintained continuous residence in the United States since at least August 21, 1996. In this situation, the effective date of the Qualified Alien status the person held on August 21, 1996 will be deemed to be his or her entry date for purposes of determining CAPI eligibility even if the non-citizen later adjusts his or her immigration status.

Factual Basis:

These sections are needed to clarify existing regulations in Sections 49-020.2 and .3 and to comply with CDSS' Director's Designation of Decision as Precedential Decision dated September 5, 2002.

b) Identification of Documents Upon Which Department Is Relying

CDSS' Director's Designation of Decision as Precedential Decision dated September 5, 2002.

c) Local Mandate Statement

These regulations do not impose a mandate upon county welfare departments because they simply clarify existing regulations and reflect existing departmental policy.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.